

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

MICHAEL G. BESECKER,	:	
Plaintiff,	:	
vs.	:	Case No. 3:07CV0310
MICHAEL J. ASTRUE,	:	District Judge Walter H. Rice
Commissioner of the Social	:	Magistrate Judge Sharon L. Ovington
Security Administration,	:	
Defendant.	:	

**DECISION AND ENTRY ADOPTING REPORT AND RECOMMENDATIONS FILED ON
AUGUST 11, 2008 (DOC. #12); TERMINATION ENTRY**

The Court has conducted a de novo review of the Report and Recommendations of United States Magistrate Judge Sharon L. Ovington (Doc. #12), to whom this case was originally referred pursuant to 28 U.S.C. §636(b), and noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b) has expired, hereby **ADOPTS** said Report and Recommendations with clarification. It is therefore **ORDERED** that:

1. The Report and Recommendations filed on August 12, 2008 (Doc. #12) is **ADOPTED**;
2. The Commissioner's non-disability finding is vacated as to the time period between the dates of November 23, 2001 to August 21, 2006 but the finding that Plaintiff was disabled from on or after August 22, 2006 is not vacated;
3. No finding is made as to whether Plaintiff Michael G. Besecker was under a "disability" during the relevant time period, within the meaning of the Social

Security Act;

4. This case is remanded to the Commissioner and the Administrative Law Judge under Sentence Four of 42 U.S.C. §405(g) for further consideration; and,
5. The case is terminated on the docket of this Court.

A handwritten signature in black ink, appearing to read 'Walter Herbert Rice', is written above a horizontal line.

Walter Herbert Rice
United States District Judge